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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,026	09/15/2003	Harlan T. Beverly	P16580	2544
46915	7590	03/17/2008 KONRAD RAYNES & VICTOR, LLP. ATTN: INT77 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212		
			EXAMINER	
			GOODCHILD, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2145	
			MAIL DATE	DELIVERY MODE
			03/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/663,026	BEVERLY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	WILLIAM J. GOODCHILD	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 September 2003.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/28/2005, 10/09/2007</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Specification***

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "18a" has been used to designate both Protocol Control Block 1 and Protocol Control Block 2 of figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The term "some" in claim 14 is a relative term which renders the claim indefinite. The term "some" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.

2. Claims 1—5, 14-20, 26-30 and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Baratakke et al., (US Publication No. 2005/0036511), (hereinafter Baratakke).

Regarding claims 1, 15 and 26, Baratakke discloses a system memory [paragraph 45]; a processor coupled to the system memory [paragraph 45]; a network adaptor [paragraph 45]; a data storage controller for managing Input/Output (I/O) access to the data storage [paragraph 45]; and a device driver executable by the processor in the memory [paragraph 45], wherein at least one of the device driver and the network adaptor is adapted to: establishing an active connection adapted to send packets of data between a host and a destination [paragraphs 17-18]; receiving from the destination a first window value representing a first quantity of data packets [paragraphs 17-19]; sending packets of data from said host to said destination [paragraphs 17-19]; receiving an acknowledgment from said destination for each packet of data received by said destination [paragraphs 17-19] wherein said first window value represents a limit imposed on said host by said destination on the quantity of data packets sent from said host to said destination and lacking an acknowledgment of being received by

destination [paragraphs 17-19]; and limiting the number of packets sent by the said host, but not acknowledged as received by said destination, to a second quantity of data packets less than said first window value [paragraph 22].

Regarding claims 2, 17 and 27, Baratakke discloses the connection is a Transmission Control Protocol connection between the host and the destination [paragraph 18] and wherein said first window value is a Transmission Control Protocol send window value [paragraph 19].

Regarding claims 3, 18 and 28, Baratakke discloses establishing a plurality of active connections between the host and a plurality of destination [paragraph 17]; receiving from each destination a first window value representing a first quantity of data packets for the connection [paragraphs 17-19]; sending packets of data from said host to each destination [paragraphs 17-19]; receiving an acknowledgment from each destination for each packet of data received by each destination [paragraphs 17-19] wherein the first window value of each connection represents a limit imposed on said host by the destination of the connection on the quantity of data packets sent from said host to the destination of the connection and lacking an acknowledgment of being received by the destination of the connection [paragraphs 17-19]; and limiting the number of packets sent by said host, to each connection, but not acknowledged as received by the destination of each connection, to a second quantity of data packets less than the window value of the connection [paragraph 22]; wherein the second quantity of each

connection which is less than the window value of the connection is based, at least in part, on the number of active connections of the host [paragraphs 17 and 22].

Regarding claims 4, 19 and 29, Baratakke discloses said host has a plurality of Transmission Control Protocol connections [paragraph 17], each Transmission Control Protocol connection having a Protocol Control Block which stores a Transmission Control Protocol send window value and a virtual window value less than said Transmission Control Protocol send window value wherein each virtual window value limits the number of packets sent by said host, but not acknowledged as received by the destination of each Transmission Control Protocol connection, to a second quantity of data packets defined by the virtual window value of the Transmission Control Protocol connection [paragraph 22].

Regarding claims 5, 20 and 30, Baratakke discloses in response to the destination reducing the size of the Transmission Control Protocol send window value to a third quantity less than the second quantity, limiting the number of packets sent by said host, but not acknowledged as received by said destination, to a fourth quantity of data packets no greater than the reduced size of the Transmission Control Protocol send window value [paragraph 22-23].

Regarding claims 14 and 39, Baratakke discloses changing the size of the second quantity of packets limiting the number of packets sent by the host but not

acknowledged as received by the destination prior to sending some packets [paragraph 22].

Regarding claim 16, Baratakke discloses the data storage comprises a magnetic storage medium [paragraph 45].

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-13, 21-25 and 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratakke as applied to claims 1, 15 and 26 above, and further in view of Boyd et al., (US Publication No. 2004/0049580), (hereinafter Boyd).

Regarding claims 6, 21 and 31, Baratakke does not specifically disclose establishing a plurality of active direct memory access connections between said host and a plurality of specified memory locations of a plurality of destinations; sending a plurality of messages to specified memory locations of the destinations of the direct memory access connections wherein each message comprises a plurality of data packets; receiving message acknowledgments, each message acknowledgment being sent by a destination for each message received by the destination; and establishing a plurality of

message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit.

However, Boyd discloses an RDMA work request to read a virtually contiguous memory space on a remote node [Boyd, paragraph 76 and figure 19, multiple hosts, multiple destinations]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate RDMA to remote destinations in order to allow data to move directly from the memory of one computer to that of another computer without involving the operating system.

Boyd further discloses, sending a plurality of messages to specified memory locations of the destinations of the direct memory access connections wherein each message comprises a plurality of data packets [Boyd, paragraph 122]; receiving message acknowledgments, each message acknowledgment being sent by a destination for each message received by the destination [Boyd, paragraph 122]; and establishing a plurality of message limits, each message limit imposing a separate limit for each direct memory access connection on the quantity of messages sent from said host to the specified memory location of the direct memory access connection associated with the message limit and lacking a message acknowledgment of being received by the destination of the direct memory access connection associated with the message limit [Boyd, paragraph 122].

Regarding claims 7, 22 and 32, Boyd further discloses each direct memory access connection includes a network interface between an application of said host and a network connecting the host to the plurality of destinations and wherein said network interface includes a queue for each direct memory access connection and adapted to queue messages to be sent through the direct memory access connection associated with each queue [Boyd, paragraph 122], and wherein said each sending of a message to specified memory location of the destination of a direct memory access connection includes queuing the message in the network interface queue associated with the direct memory access connection; and wherein the queuing of messages in the network interface queue associated with a direct memory access connection is suspended when the quantity of messages sent from said host to the specified memory location of the associated direct memory access connection and lacking a message acknowledgment of being received by the destination of the associated direct memory access Connection reaches the separate message limit imposed on the direct memory access connection associated with the network interface queue [Boyd, paragraphs 122 and 69-74].

Regarding claims 8, 23 and 33, Boyd further discloses the queuing of messages in the network interface queue associated with a direct memory access connection is resumed when the quantity of messages sent from said host to the specified memory location of the associated direct memory access connection and lacking a message acknowledgment of being received by the destination of the associated direct memory

access connection is less than the separate message limit imposed on the direct memory access connection associated with the network interface queue [Boyd, paragraph 122].

Regarding claims 9, 24 and 34, Boyd further discloses the packet sending connection is a Transmission Control Protocol connection between the host and the destination and wherein each direct memory access connection is a Remote Direct Memory Access connection between the host and the destination of the direct memory access connection [Boyd, paragraph 7].

Regarding claims 10, 25 and 35, Boyd further discloses said network interface has a pool of empty messages which imposes a limit on the total quantity of messages sent from said host to all the specified memory locations of all the direct memory access connections and lacking a message acknowledgment of being received by the destination of the associated direct memory access connection and wherein each message limit is less than the network interface pool of empty messages [Boyd, paragraphs 119-122].

Regarding claims 11 and 36, Boyd further discloses each message limit is based, at least in part, on the number of active direct memory access connections of the host [Boyd, paragraphs 119-122].

Regarding claims 12 and 37, Boyd further discloses changing the size of a message limit of an active direct memory access connection prior to sending some messages through the associated direct memory access connection [Boyd, paragraphs 119-123].

Regarding claims 13 and 38, Boyd further discloses each message limit is based, at least in part, on the number of active direct memory access connections of the host [Boyd, paragraphs 119-122].

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG  
03/04/2008

/Jason D Cardone/  
Supervisory Patent Examiner, Art Unit 2145